

March 7, 2019

Kelly E. Cobeen, S.E.  
922 Hough Avenue  
Lafayette, California  
94549  
(925) 708-0143  
kcobeen@wje.com

California Building Standards Commission  
Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Re: Public Comments regarding HCD adoption and amendment of the 2019 CEBC  
Comments with respect to Notice of Second 15-day Comment Period

Dear California Building Standards Commission:

This letter provides my public comments regarding the proposed adoption with amendment of the California Existing Building Code (CEBC) by the Department of Housing and Community Development (HCD). In particular, this letter responds to the Express Terms made available for public comment February 21 to March 8, 2019, proposing additional amendments to Chapters 2 and 4.

The rationale provided for proposed Item 2 is incorrect in that the additional amendments to Chapter 4 do not alone solve the issues raised by stakeholders. In addition to permitting retention and replacement of existing materials, it is vital that the triggers for evaluation and upgrade based on substantial structural damage (CEBC Sec. 405.2.1 to 405.2.4) continue to be omitted from the HCD adoption, as has occurred in prior HCD adoptions of the CEBC.

On February 8, 2019 I was able to participate in an HCD Ad Hoc Working Group meeting to discuss the California Building Standards Commission's concerns for sections of the 2019 California Existing Building Code proposals for the 2018 Triennial Code Adoption Cycle. As part of this meeting Stoyon Bumbolov shared that HCD's proposed retention of the substantial structural damage triggers originated from requests from building officials to clarify the Health and Safety Code provisions regarding substandard buildings (Health and Safety Code Sec. 17920.3). Stoyon and colleagues from HCD attempted to reduce the vagueness of the substandard building provisions by adopting the substantial structural damage triggers. In what appears to be a completely unintended consequence of this choice, the adoption of these triggers will cause fundamental and overwhelming changes in treatment of repair of damaged dwellings. If the triggers are adopted rather than being omitted, a tremendous amount of resources (both time and money) will have to be put into improving damaged dwellings that are not substandard, prior to allowing reoccupancy.

The impact of these unintended consequences will be particularly problematic for wood light frame residential buildings that have not been engineered; these buildings comprise the great majority of the California housing stock. A good portion of the one- and two-family dwellings in California have been and continue to be constructed using conventional construction provisions. Up until the 1995 CBC, most wood light-frame multi-family residential buildings were constructed using conventional construction provisions. In these buildings, the finish materials that get damaged in fire, flood, and similar events (gypboard, stucco, siding) are also the lateral force resisting system. As a result the catastrophe of fire, flood or similar damage will be followed by an even more costly HCD code created catastrophe of mandatory seismic/wind upgrade. This would in many cases involve installing a new engineered seismic/wind force resisting system throughout the building, and the cost could be many times the cost of damage repair. While many owners

will be insured for the fire and flood catastrophe, most will not be insured for the HCD code created catastrophe, making it possible that they will not be able to rebuild.

This is not a rational or proportional outcome of an attempt to clarify unrelated language that is vague. Pursuing clarity of the substandard building language needs to be a separate and distinct effort, undertaken in a future code adoption cycle. Development of rational triggers for and extents of upgrade is reasonable to undertake, and could also be undertaken in future code adoption cycles. Meanwhile, substantial structural damage triggers need to be omitted from HCD adoption of the CEBC, as in past adoption cycles.

I ask that the California Building Standards Commission NOT adopt Sections 302.5.1, 405.2.1, 405.2.1.1, 405.2.2, 405.2.3, 405.2.3.1, 405.2.3.2, 405.2.3.3, 405.2.4, and 405.2.4.1. If this action is not possible, the best alternative action is to retain the 2016 CEBC with 2016 HCD amendments. Note that adoption of the 2019 CEBC without HCD amendments should not occur. It will not resolve the issues that are raised in this letter, and will cause other issues.

I would be happy to be available for discussion.

Sincerely,



Kelly E. Cobeen  
S.E. 3362